

REMARKS

Group I has been elected in response to the restriction requirement. However, this restriction requirement is respectfully traversed in that the basis for dividing the claimed subject matter into the particular six Groups as set forth in the Action is not clear. Applicants traverse the rejection for the following reasons. The Office Action justifies the restriction on the grounds that the Group I relates to a computer implemented method of controlling a commercial environment, Group II relates to a method of controlling a commercial environment of traders, members and communities, Group II related to a method of controlling a commercial environment of traders members and communities, and Group IV relates to an apparatus for controlling a commercial environment of traders members and communities. The Office Action further states that Groups I and II, III and I, IV and I and other pairings of the inventions are related as sub combinations disclosed as usable together in a single combination. According to the Office Action, the sub combinations are distinct from each other if they are shown to be separately usable. The Office Action directs the Applicants to MPEP § 806.05(d)

However, Applicants respectfully note that MPEP § 806.05(d) states that care should be exercised in this situation to determine if the several sub combinations are generically claimed and the Examiner must show, by way of example that one of the sub combinations has utility other than in the disclosed combination. According to MPEP § 806.05(d), where sub combinations as disclosed and claimed are both (a) species under a claimed genus and (b) related, then restriction must be determined by both the practice applicable to election of species and the practice applicable to related inventions and the burden on the Examiner to provide an example. MPEP § 806.03 also states that where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction therebetween should never be required because the claims are but different definitions of the

same disclosed subject matter, varying in breath or scope of definition. Accordingly, the Office Action does not properly justify the restriction.

Nevertheless, in order to expedite the prosecution of this application, the claims have been limited to Group I. It is Applicants' intention to claim the fullest breadth and depth of subject matter from the original independent and dependent claims that come within the intended scope of Group I. Moreover, examination of all of the pending claims would not be an excessive burden on the Examiner.

Claims 5-22 have been cancelled as being non-elected. New claims 23 to 29 have been added. It is believed that these claims are fully supported by the specification as filed, and come within the scope of elected Group I. Entry of these claims is therefore respectfully requested.

Applicants respectfully request formal examination of this application.

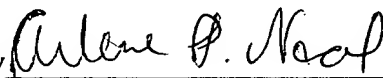
Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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